

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,  
12th July, 1905.

Mr. Laurenson.

DIVORCE ACT AMENDMENT.

ANALYSIS.

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| <p>Title.<br/>1. Short Title.<br/>2. Divorce on the ground of lunacy.</p> | <p>3. Notice to be given to Public Trustee, who may act for respondent.<br/>4. Grounds for divorce in case of desertion altered from five to seven years.</p> |
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A BILL INTITULED

AN ACT to amend the Law of Divorce.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. The Short Title of this Act is "The Divorce Act Amendment Act, 1905"; and it shall be read and construed as a part of "The Divorce and Matrimonial Causes Act, 1904" (hereinafter referred to as "the principal Act").

2. The following subsection shall be added to section twenty-two of the principal Act :—

"(5.) On the ground that the respondent is a lunatic within the meaning of 'The Lunatics Act, 1882,' and has been continuously confined as such during seven years or upwards in any asylum, and, in the opinion of any two duly qualified medical men, and the medical superintendent of the asylum where the respondent is confined, is not likely to recover, and on a certificate being given by such medical men and superintendent to that effect. 'Asylum' means any asylum as defined in 'The Lunatics Act, 1882'":

Provided that no divorce shall be granted under this subsection if it shall appear to the Court that the lunacy of the respondent is in any way attributable to the misconduct of the petitioner.

3. Where an application is made for a divorce under the last preceding section notice of such application shall be served upon the Public Trustee, who may act for and on behalf of the respondent, and demand such alimony or division of the properties owned by the petitioner at the time such petition is made as may be deemed equitable and just as between the parties.

4. Subsection (b) of section twenty-two of the principal Act is hereby amended by repealing the word "five" and inserting the word "seven" in lieu thereof:

Provided that this amendment shall not apply to any case pending at the time of the coming into operation of this Act.